

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT MERRITT,
Plaintiff,

v.

RIMMER, et al.,
Defendants.

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CIVIL ACTION NO. 20-CV-0781

ORDER

AND NOW, this 18th day of March, 2020, upon consideration of Robert Merritt's Motion to Proceed *In Forma Pauperis* (ECF No. 6), Prisoner Trust Fund Account Statement (ECF No. 8), *pro se* Complaint (ECF No. 1), and Motions for Appointment of Counsel (ECF Nos. 2 & 7), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Robert Merritt, #12130, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Northampton County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Merritt's inmate account; or (b) the average monthly balance in Merritt's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Merritt's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Merritt's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Northampton County Jail.

4. The Complaint is **DEEMED** filed.

5. Merritt's Complaint is **DISMISSED WITH PREJUDICE** as legally frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) for the reasons stated in the Court's Memorandum.

6. Merritt's Motions for Appointment of Counsel are **DENIED**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.